REMARKS

The present Amendment is in response to the Examiner's Final Office Action mailed December 11, 2006. Claims 45 and 47-49 are amended, and new claims 52 and 53 are added. Claims 36-53 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicant requests that the Examiner carefully review any references discussed below to ensure that Applicant's understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

II. PRIOR ART REJECTIONS

A. Rejection Under 35 U.S.C. §102(e)

The Examiner rejects claims 36-51 under 35 U.S.C. § 102(e)[1] as being anticipated by *York et al.* (United States Patent No. 6,571,191) ("*York*").

With regard to claims 36-44 and 48-51, because *York* does not teach or suggest each and every element of the claims, Applicant respectfully traverses this rejection in view of the following remarks.

Specifically, *York* teaches that "**If the error cannot be corrected**, the program flows to step 92 in which the corrupted data can be nulled and/or an error message issued to alert the fleet manager to the problem." [10:23-26 (emphasis added)].

[1] Because *York* is only citable under 35 U.S.C. § 102(e) Applicants do not admit that *York* is in fact prior art to the claimed invention but reserve the right to swear behind *York* if necessary to remove it as a reference.

In direct contrast, independent claim 36 specifically recites "informing an operator of a calibrating device of the error detected in the calibration data," and newly-amended independent claim 48 specifically recites "transmitting a message to an operator of the calibrating device corresponding to the one or more errors." In these independent claims of the present invention, these steps are required to occur **regardless** of whether "the error cannot be corrected." Thus, *York* does not teach or suggest each and every element of the claims. *See* 35 U.S.C. § 102(e). In fact, in this way, *York* teaches away from these claims. *See In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994) ("[I]n general, a reference will teach away if it suggests that the line of development flowing from the reference's disclosure is unlikely to be productive of the result sought by the applicant.").

As all of the elements of independent claims 36 and 48 are not taught or suggested by *York*, Applicant respectfully submits that these claims as well as the claims dependent therefrom are in allowable form.

Independent claim 45 has been amended to recite a method of managing data "over a distribution network comprising a plurality of calibration devices, obtaining calibration data from each calibration device and temporarily archiving the calibration data locally at each calibration device." In direct contrast, York does not teach "temporarily archiving the calibration data locally at each calibration device." York only teaches a centralized memory 18 for storing data. [Figure 1; 4:62-65]. Such a centralized storage system is a typical prior art system upon which the present invention was designed to improve. *See, e.g.,* [Figures 1 and 2 of specification and accompanying text; p. 15 ("This configuration ensures that no data is ever lost or corrupted due to collisions between multiple calibration devices attempting to write to a shared file.").

Since *York* does not teach the method being claimed in this application, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) be withdrawn.

B. <u>New Claims</u>

Claims 52 and 53 have been added to capture previously unclaimed matter within the scope of the present invention. Further, claims 52 and 53 depend from claim 45, which, as set forth above, is in allowable form. Thus, Applicant respectfully submits that new claims 52 and 53 are in condition for allowance.

CONCLUSION

In view of the foregoing, Applicant believes the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 11th day of June, 2007.

Respectfully submitted,

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